

SUBCHAPTER 13F - NATURAL AND SCENIC RIVERS PROGRAM

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13F .0101	STATEMENT OF POLICY
07 NCAC 13F .0102	STATEMENT OF PURPOSE
07 NCAC 13F .0103	DEFINITIONS
07 NCAC 13F .0104	LOCATION

History Note: Authority G.S. 113A-31; 113A-32; 113A-35; 113A-36;
Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12F .0101-.0104 Eff. April 1, 2017.

SECTION .0200 - CRITERIA FOR CLASSIFICATION AND DESIGNATION

07 NCAC 13F .0201 CRITERIA FOR CLASSIFICATION

History Note: Authority G.S. 113A-34; 113A-36;
Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12F .0201 Eff. April 1, 2017.

07 NCAC 13F .0202 CRITERIA FOR DESIGNATION

(a) In addition to the criteria listed in G.S. 143B-135.150, the following criteria for a river to qualify as either natural or scenic shall apply to this Subchapter:

- (1) A river segment should be long enough to provide a rewarding experience and to encompass a sufficient portion of those features and processes that make the segment worthy of consideration. Generally, in urban areas, any segment included in the rivers system should be at least two and one-half miles long. In non-urban areas, a segment should be at least five miles in length.
- (2) Boundaries. The natural features and forces necessary for the maintenance of a high quality riverine resource must be identified, and boundaries should be established to provide for adequate protection of these features.

(b) In addition to the criterion set out in Subsection (a) of this Rule, a river shall meet the following criteria for designation as a natural river:

- (1) Water Flow
 - (A) The river (or segment) must be free from impoundments including dams, diversion works, artificial constrictions of the river, rock rip-rap, concrete blocks, retaining walls, rock filled gabions, or pilings. Future dam construction within the river (or segment) shall be prohibited.
 - (B) The infiltration capacity should approximate that of an undisturbed watershed.
- (2) Public Access
 - (A) Public access shall be limited to trails and must be by foot or non-powered water craft, except in certain instances, primarily on coastal waters, where access may be by motorized watercraft.
 - (B) Motorized vehicles shall not be visible from the river and no roads or other provisions for overland motorized travel are permitted within a narrow incised river valley, or if the river valley is broad, within one-fourth mile of, and parallel to, the river bank. The presence, however, of inconspicuous roads leading to the river area may be permissible.
- (3) Environmental Quality
 - (A) Natural rivers and adjacent land areas present natural features and processes essentially undisturbed by man. Shorelines are free of habitation and other substantial evidence of man's intrusion, except that inconspicuous dwellings may be permitted. Watersheds are natural-like in appearance and all conservation methods employed must be in keeping with the natural river environment.

- (B) Abandoned pasture, old field succession areas (including early stages), old burns, and relatively unobtrusive forest management activity areas can be permitted.
 - (C) Natural river area designation is enhanced by the existence of climax species or extremely well developed vegetational communities, visible indigenous animal species, high water quality, and unique natural features.
- (c) In addition to the criteria set out in Subsection (a) of this Rule, a river shall meet the following criteria for designation as a scenic river:
- (1) **Water Flow.** The river (or segment) shall be largely free of impoundments. If an impoundment is present, water should not have the characteristics of impoundment for any significant distance. Future dam construction within the segment shall be prohibited.
 - (2) **Public access to scenic rivers** may be by roads which occasionally bridge the river. Short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or railroads paralleling the river area may be permitted.
 - (3) **Environmental Quality**
 - (A) Scenic river areas are more amenable to multiple use than natural river areas. They are more suited for active and intensive recreational uses. However, these uses must be kept within the restraints imposed by the ability of the resources to support use without degradation.
 - (B) Scenic river shorelines and adjacent lands shall be largely free of structures. Forested landscapes mixed with dispersed agricultural uses and rural dwellings or settlements, including low density vacation homes, are characteristic of scenic river areas. Small communities or any concentration of habitation should be limited to relatively short stretches. Indigenous construction materials are preferred. Farming, timber harvest, and similar resource use is permissible if accomplished without a substantially adverse effect on natural appearance.
 - (C) Acceptable erosion control devices, in accordance with the Sedimentation and Pollution Control Act, must be installed.
 - (D) Occasional utility easements, perpendicular to the river course, may be permitted.

History Note: Authority G.S. 143B-135.142; 143B-135.150; 143B-135.156;
 Eff. April 4, 1979;
 Amended Eff. August 1, 1988; January 1, 1985; October 1, 1984;
 Transferred from 15A NCAC 12F .0202 Eff. April 1, 2017.

SECTION .0300 - CRITERIA FOR MANAGEMENT

07 NCAC 13F .0301 GENERAL POLICY

History Note: Authority G.S. 113A-36;
 Eff. April 4, 1979;
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 Transferred from 15A NCAC 12F .0301 Eff. April 1, 2017.

07 NCAC 13F .0302 NATURAL AND SCENIC RIVERS

History Note: Authority G.S. 143B-135.156;
 Eff. April 4, 1979;
 Transferred from 15A NCAC 12F .0302 Eff. April 1, 2017;
 Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 13F .0303 MANAGEMENT OF NATURAL RIVER AREAS

- (a) The management of a natural river area shall give primary emphasis to protecting the values which make it outstanding while providing river related outdoor recreation opportunities in a natural setting:
- (1) No dredging or sand and gravel operations shall be permitted.
 - (2) Felled trees that partially block passage down the river or obstruct stream flow may be removed.

- (3) No clearcutting of trees shall be allowed on lands owned by the state and designated as a natural river area.
- (4) No streamside trees providing shade to the river shall be cut unless they present a hazard to public health and safety.
- (b) Reasonable restraints on allowable volumes of use may be employed.
- (c) Facilities
 - (1) Existing structures that are not harmonious with the natural character of the area shall be screened or made more harmonious.
 - (2) New structures shall be prohibited unless they are clearly in keeping with the natural river area classification and management objectives and conform with the approved management plan for the area.
 - (3) Management facilities may be permitted if no significant adverse effect occurs to the natural character of the area.
 - (4) Adequate parking, launch ramps, and information displays may be provided at the beginning and at the end of designated natural river segments.
 - (5) Recreation Facilities
 - (A) Low density day use and, where necessary, primitive overnight use, are permissible.
 - (B) Major public use areas, such as campgrounds, interpretative centers, or administrative headquarters shall be located outside of, but adjacent to, natural river areas.
 - (C) Simple comfort and convenience facilities, such as fireplaces, potable water, shelters, toilets, and where necessary, primitive camping facilities may be provided at certain selected points within natural river areas for recreation users to the extent that they are necessary to provide an enjoyable experience, protect popular sites, and meet the management objectives.
- (d) Recreation activities that may be consistent with the management of a natural river area in the system are:
 - (1) hiking, defined as foot travel on trails which can be traversed in one day or less; Ideally, these trails should be loop trails with some shelter. Loop trails of one-half mile to two miles may be used for interpretative purposes;
 - (2) backpacking;
 - (3) horseback riding on trails parallel to and along a designated river area;
 - (4) boating, which may include tubing, kayaking, canoeing, rafting and power boating; However, power boating may be restricted by such means as limitations on engine size and limitations of use at specified times and at specified places;
 - (5) swimming;
 - (6) hunting and fishing, where consistent with state regulations.
- (e) Access
 - (1) Direct river access shall be provided and occur only at the beginning and end of designated natural rivers or segments.
 - (2) Perpendicular side trails may provide non-vehicular river access at intermediate points along the river or segment.

*History Note: Authority G.S. 143B-135.156;
 Eff. April 4, 1979;
 Transferred from 15A NCAC 12F .0303 Eff. April 1, 2017.*

07 NCAC 13F .0304 MANAGEMENT OF SCENIC RIVER AREAS

- (a) A scenic river area shall be managed so as to maintain and provide outdoor recreation opportunities in the near-natural setting. Diversity and volume of recreational use will dictate more intensive management practices on segments designated as scenic.
- (b) Reasonable restraints on allowable volumes of use may be employed.
- (c) Facilities
 - (1) Facilities at access points may include any of those allowed at public access on natural rivers listed in Rule .0303(c) of this Section plus campgrounds, interpretative, and administrative facilities.
 - (2) Scenic rivers can have roads paralleling some portions of the river. Where such roads are public, they may be designated as scenic roads. Overlooks, roadside picnic areas, and undeveloped tent and trailer camping facilities may be developed.

- (3) Recreational Facilities
 - (A) Boating facilities shall be similar to those found on natural river areas listed in Rule .0303(c) of this Section.
 - (B) Bicycle Facilities
 - (i) Bicycle rest areas may be provided and may be in conjunction with roadside picnic areas, overlooks, and rest stops for other activities.
 - (ii) Overnight camping facilities for cyclists may be provided at appropriate intervals.
- (d) Access
 - (1) Direct vehicular access may be permitted at appropriate points along a scenic river.
 - (2) Access facilities for boating and floating may be permitted at intermediate points along the river.
 - (3) Motorized vehicles shall be allowed on designated sections of the land area.
- (e) Activities. Activities consistent with the management of a scenic river in the system are the same as those for a natural river area listed in Rule .0303(c) of this Section plus scenic driving and bicycling.
- (f) Integrated public and private investments on designated scenic river areas shall be encouraged.

History Note: Authority G.S. 143B-135.156;
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SECTION .0400 - PROCEDURES LEADING TO THE INCLUSION OF RIVERS IN THE SYSTEM

- 07 NCAC 13F .0401 PROCEDURES LEADING TO DESIGNATION**
- 07 NCAC 13F .0402 SCHEDULE OF RIVERS FOR STUDY**
- 07 NCAC 13F .0403 STUDY TEAM**
- 07 NCAC 13F .0404 LOCAL ADVISORY COMMITTEE**

History Note: Authority G.S. 113A-36;
 Eff. April 4, 1979;
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 Transferred from 15A NCAC 12F .0401-.0404 Eff. April 1, 2017.

SECTION .0500 - ACQUISITION OF LANDS FOR THE SYSTEM

- 07 NCAC 13F .0501 ACQUISITION**
- 07 NCAC 13F .0502 AUTHORIZATION**

History Note: Authority G.S. 113A-36; 113A-38;
 Eff. April 4, 1979;
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 Transferred from 15A NCAC 12F .0501, .0502 Eff. April 1, 2017.